



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**JAMES BERRY, JR.**

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§

**CRIMINAL CASE NO 1:91-CR-46(1)**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
ON DEFENDANT'S COMPETENCY**

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration. Judge Giblin conducted a hearing to determine defendant's competency for purposes of this criminal proceeding. After considering the examiner's findings, Judge Giblin filed his report and recommendation on defendant's competency to proceed with a preliminary examination and final revocation hearing on the pending petition to revoke or modify his conditions of supervised release. Judge Giblin concluded that Mr. Berry is competent under 18 U.S.C. § 4241.

The parties have not objected to the magistrate judge's findings and recommendation. The Court accepts the findings in the report and recommendation. The Court **ORDERS** that the sealed report and recommendation on defendant's competency [Clerk's doc. #18] is **ADOPTED**. The Court further **ORDERS** and **FINDS** that, in accordance with the magistrate judge's recommendation, the examiner's report, and the parties' agreement, defendant James Berry, Jr., is

competent to proceed pursuant to Title 18, United States Code, Section 4241.

So **ORDERED** and **SIGNED** this **18** day of **February, 2009**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

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Ron Clark, United States District Judge